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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,701	03/29/2001	Naoya Fujisaki	826.1722	3142
21171 7590 01/11/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/819,701

**Applicant(s)**

FUJISAKI, NAOYA

**Examiner**

Etienne P LeRoux

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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***Claim Status***

Claims 1-18 are pending. Claims 1-18 are rejected as detailed below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,850,959 (Golds), hereafter Golds in view of US Pat No 5,437,029 (Sinha), hereafter Sinha.

Claims 1, 11, 15, 16 and 18:

Golds discloses:

a setting unit setting policy attribute data specifying file usage, determined by an administrative user

[the migration policy (e.g. migrate files of a certain type such as graphics) may be set by default and/or by an administrator, col 5, lines 53-55]

Golds discloses the elements of the claimed invention as noted above but does not disclose in correspondence with path information of a directory. Sinha discloses in correspondence with path information of a directory

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[it will be assumed that a user of node 1 requires to access the file c.....the path name which the user must input to nide1 in order to access the file c is /a/b/c., Fig 1, col 1, line 53- col 2, line 10]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Golds to include in correspondence with path information of a directory as taught by Golds for the purpose of providing high access to the file [it will be assumed that a user of node 1 requires to access the file c, Fig 1, col 1, line 53- col 2, line 10]

The combination of Golds and Sinha discloses a file managing unit managing a file based on policy data composed of the path information of the directory and the policy attribute data [Golds, a facility such as the migration policy component 66 may explicitly request that a source file 80 be migrated to a target file 82 on the supplemental volume 62, col 5, lines 45-50, Fig 3, file migration]

Claims 2, 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,850,959 (Golds), hereafter Golds in view of US Pat No 5,905,990 (Inglett), hereafter Inglett and further in view of Sinha.

Claims 2, 7, 8 and 17:

Golds discloses:

a setting unit setting policy attribute data specifying file usage, determined by an administrative user, in accordance with path information of a directory [col 5, lines 53-55]

Golds discloses the elements of the claimed invention as noted above but does not disclose an assigning unit assigning policy attribute data of a directory so as to be inherited to a subdirectory, or assigning specified policy attribute data indicating a policy on which file

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management is based to the subdirectory. Inglett discloses an assigning unit assigning policy attribute data of a directory so as to be inherited to a subdirectory, or assigning specified policy attribute data indicating a policy on which file management is based to the subdirectory [col 12, lines 25-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Golds to include an assigning unit assigning policy attribute data of a directory so as to be inherited to a subdirectory, or assigning specified policy attribute data indicating a policy on which file management is based to the subdirectory as taught by Inglett for the purpose of providing a search path [Inglett, col 12, lines 25-35].

The combination of Golds and Inglett discloses the elements of the claimed invention as noted above but does not disclose a file managing unit managing a file based on policy data composed of the path information of the directory and the policy attribute data.

Golds discloses the elements of the claimed invention as noted above but does not disclose in correspondence with path information of a directory. Sinha discloses in correspondence with path information of a directory

[it will be assumed that a user of node 1 requires to access the file c.....the path name which the user must input to node 1 in order to access the file c is /a/b/c., Fig 1, col 1, line 53- col 2, line 10]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Golds to include in correspondence with path information of a directory as taught by Golds for the purpose of providing high access to the file [it will be assumed that a user of node 1 requires to access the file c, Fig 1, col 1, line 53- col 2, line 10]

The combination of Golds, Inglett and Sinha discloses a file managing unit managing a file based on policy data composed of the path information of the directory and the policy

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attribute data [Golds, a facility such as the migration policy component 66 may explicitly request that a source file 80 be migrated to a target file 82 on the supplemental volume 62, col 5, lines 45-50, Fig 3, file migration]

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds and Sinha as applied to claim 1 and further in view of US Pat No 6,708,209 (Ebata et al), hereafter Ebata.

Claim 3:

The combination of Golds and Sinha discloses the elements of the claimed invention but does not disclose wherein information indicating whether or not to require a path search is registered in correspondence with the policy attribute data [col 9, lines 16-25]. Ebata discloses wherein information indicating whether or not to require a path search is registered in correspondence with the policy attribute data [col 9, lines 16-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to obtain wherein information indicating whether or not to require a path search is registered in correspondence with the policy attribute data as taught by Ebata for the purpose of requesting the resource allocation request to other organizations [col 9, lines 16-25].

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds, Sinha and Ebata as applied to claims 1 and 3 and further in view of US Pat No 6,549,916 (Sedlar), hereafter Sedlar.

Claim 4:

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The combination of Golds, Sinha and Ebata discloses the elements of the claimed invention as noted above but does not disclose a control table storing information indicating a directory to be searched next, wherein pointer information pointing to a storage location within said control table is registered as policy attribute data of a directory. Sedlar discloses a control table storing information indicating a directory to be searched next, wherein pointer information pointing to a storage location within said control table is registered as policy attribute data of a directory [col 28, lines 10-20]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include a control table storing information indicating a directory to be searched next, wherein pointer information pointing to a storage location within said control table is registered as policy attribute data of a directory as taught by Sedlar for the purpose of determining whether messages must be sent to interested entities [col 28, lines 10-20].

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds, Sinha, Ebata and Sedlar as applied to claims 1, 3 and 4 and further in view of US Pat No 5,923,832 (Shirakihara et al) hereafter Shirakihara .

Claims 5 and 6:

The combination of Golds, Sinha, Ebata and Sedlar discloses the elements of the claimed invention as noted above but does not disclose wherein checkpoint information indicating path information of a directory yet to be generated is registered to said control table for the directory. Shirakihara discloses wherein checkpoint information indicating path information of a directory yet to be generated is registered to said control table for the directory [Fig 14(b)]. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein checkpoint information indicating path information of a directory yet to be generated is registered to said control table for the directory as taught by Shirakihara for the purpose of restarting the search [Fig 14(b)].

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds and Sinha as applied to claim 1 and further in view of US Pat No 6,826,609 (Smith et al ), hereafter Smith.

Claim 9:

The combination of Golds and Sinha discloses the elements of the claimed invention as noted above but does not disclose further comprising a policy violation registering unit registering policy violation information indicating a policy attribute violation to corresponding policy attribute data, if a file operation violates the policy attribute data is performed. Smith discloses a policy violation registering unit registering policy violation information indicating a policy attribute violation to corresponding policy attribute data, if a file operation violates the policy attribute data is performed [[abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include a policy violation registering unit registering policy violation information indicating a policy attribute violation to corresponding policy attribute data, if a file operation violates the policy attribute data is performed as taught by Smith for the purpose of bringing policy violations to the sender's attention [abstract].



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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds and Sinha as applied to claim 1 and further in view of US Pat No 6,754,663 (Small et al), hereafter Small.

Claim 10:

The combination of Golds and Sinha discloses the elements of the claimed invention as noted above but does not disclose a policy recovering unit causing a file or a directory which violates a policy to comply with the policy and deleting corresponding policy violation information. Small discloses a policy recovering unit causing a file or a directory which violates a policy to comply with the policy and deleting corresponding policy violation information [Fig 23]. It would have been obvious to one of ordinary skill in the art at the time then invention was made to modify the above combination of references to include a policy recovering unit causing a file or a directory which violates a policy to comply with the policy and deleting corresponding policy violation information as taught by Small for the purpose of saving memory.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds and Sinha and further in view of US Pat No 6,185,574 issued to Howard et al (hereafter Howard).

Claim 12:

The combination of Golds and Sinha discloses the elements of claim 1 as noted above but fails to disclose wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file. Howard discloses wherein when a file is stored in an archive file, policy data composed of path

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information of a directory and policy attribute data is stored in the archive file [Howard, abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein when a file is stored in an archive file, policy data composed of patent information of a directory and policy attribute data is stored in the archive file as taught by Howard for the purpose of assigning less frequently used data to mass storage which is more economical and also is more secure.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Golds, Sinha and Howard and further in view of US Pat No 6,195,695 issued to Cheston et al (hereafter Cheston).

Claim 13:

The combination of Golds, Sinha and Howard discloses the elements of claims 1 and 12 as noted above but fails to disclose a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up. Cheston discloses further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up [col 2, lines 43-54]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up as taught by Cheston for the purpose of dividing the files into active and not available for current use [Cheston, col 3, lines 50-55].

Claim 14:

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The combination of Sinha and Howard discloses the elements of claims 1, 12 and 13 as noted above but is silent regarding wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches. Cheston discloses restoring from a corrupted executable application and/or operating system (and a resulting crash) [col 2, lines 15-61]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above combination of references to include wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches as taught by Cheston for the purpose of restoring a file that becomes corrupted during a system crash.

### ***Response to Arguments***

Applicant's arguments filed 11/19/2007 have been considered but are not persuasive for the following reasons.

#### **Applicant Argues**

Applicant states in the second paragraph of page 6

In making this rejection, it was acknowledged that "Golds ..... does not disclose (sic) in correspondence with path information of a directory.

#### **Examiner Responds**

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Golds discloses the elements of the claimed invention as noted above but does not disclose in correspondence with path information of a directory. Sinha discloses in correspondence with path information of a directory

[it will be assumed that a user of node 1 requires to access the file c.....the path name which the user must input to nide1 in order to access the file c is /a/b/c., Fig 1, col 1, line 53- col 2, line 10]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Golds to include in correspondence with path information of a directory as taught by Golds for the purpose of providing high access to the file [it will be assumed that a user of node 1 requires to access the file c, Fig 1, col 1, line 53- col 2, line 10]

#### **Applicant Argues**

Applicant states in the fourth paragraph of page 6:

The cited portions of Sinha essentially describe "obtaining location information for a subdirectory" (column 1, lines 66). No mention of anything "specifying file usage" or anything that might be considered "policy attribute data" of any directory can be found in Fig 1 and column 1, line 53 to column 2, line 10 of Sinha.

#### **Examiner Responds**

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the

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rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner notes that "specifying file usage" lacks antecedent basis in the specification. In fact, there is not a single solitary instance of the word "specifying" or the word "usage." Therefore, since the specification fails (emphasis added) to provide a specific and deliberate definition of "specifying file usage," above claim language will be interpreted per the understanding of one of ordinary skill in the art. The following disclosure by Golds renders "specifying file usage."

col 5, lines 44-47:

FIG. 3 demonstrates one general concept underlying file migration, wherein a facility such as migration policy component 66 may explicitly request that a source file 80 be migrated to a target file 82 on the supplemental volume 82.

col 5, lines 54 – 58

The migration policy may be set by default and/or by an administrator or user (e.g., migrate files of a certain type such as graphics, those over some threshold size, and/or those not used within some period of time, and so forth).

col 5, lines 63-67

Although not necessary to the present invention, for safety, the migrated file 82 on the supplemental disk may include or otherwise be associated with some or all of its metadata 88 (e.g., filename) so that if the original volume is inoperable, the data may be easily found and recovered.

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Examiner notes that "managing a file based on policy data ..... and the policy attribute data" lacks antecedent basis in the specification. The specification does not describe in clear and concise manner exactly what comprises "managing," what comprises "policy attribute data." Therefore, since the specification fails (emphasis added) to provide a specific and deliberate definition of "managing," and "policy attribute data," above claim language will be interpreted per the understanding of one of ordinary skill in the art.

Golds discloses "managing" as below:

col 5, lines 44-47:

FIG. 3 demonstrates one general concept underlying file migration, wherein a facility such as migration policy component 66 may explicitly request that a source file 80 be migrated to a target file 82 on the supplemental volume 82.

Golds discloses "policy attribute data" as below:

FIG. 3 demonstrates one general concept underlying file migration, wherein a facility such as migration policy component 66 may explicitly request that a source file 80 be migrated to a target file 82 on the supplemental volume 82.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00am and 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Etienne LeRoux

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January 1, 2008

  
ETIENNE LEROUX  
PRIMARY EXAMINER